

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton;
Tony Hammond; and
Robert G. Taub

Evansdale Post Office
Evansdale, Iowa

Docket No. A2013-2

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued November 15, 2012)

Notice is hereby given that, on November 13, 2012, the Commission posted a Petition for Review of the Postal Service's closure of the Evansdale post office in Evansdale, Iowa.¹ The Petition for Review was filed by Evansdale Mayor Chad Deutsch (Petitioner) and is dated November 13, 2012. The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2013-2 to consider Petitioner's appeal. Petitioner may further explain his position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than December 13, 2012.

¹ Petition for Review Received from Mayor Chad Deutsch, November 13, 2012 (Petition).

Background. The closing of the Evansdale post office was originally appealed in Docket No. A2011-103, and an order was issued by the Commission on January 18, 2012, remanding the final determination for further consideration.² The Commission found that the Postal Service failed to satisfy the requirement that it consider economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv). Order No. 1141 at 11.

Categories of issues apparently raised. Petitioner contends that: (1) the Postal Service failed to reevaluate the factors set out in 39 U.S.C. § 404(d)(2)(A), including the Postal Service's failure to consider the effect of the closing on the community and the failure to consider economic savings (see 39 U.S.C. §§ 404(d)(2)(A)(i) and (iv)); and (2) the Postal Service failed to follow procedures required by law regarding closures (see 39 U.S.C. § 404(d)(5)(B)).

In addition, Petitioner requests that the Commission suspend the planned closing of the Evansdale post office pending the outcome of the appeal. Petition at 2.

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is November 23, 2012. See 39 CFR 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is November 23, 2012.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

² Docket No. A2011-103, Order No. 1141, Order Remanding Determination, January 18, 2012 (Order No. 1141).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 CFR 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 CFR 3025.14. Initial comments supporting a remand of this case are to be filed on or before December 13, 2012. This and other deadlines are set out in the attached Procedural Schedule. See 39 CFR 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 CFR 3025.2(c).

It is ordered:

1. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than November 23, 2012.

2. Any responsive pleading by the Postal Service to this Notice is due no later than November 23, 2012.
3. The Procedural Schedule listed below is hereby adopted.
4. Pursuant to 39 U.S.C. 505, Patricia A. Gallagher is designated officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Shoshana M. Grove
Secretary

PROCEDURAL SCHEDULE

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| November 13, 2012 | Filing of Appeal |
| November 23, 2012 | Deadline for the Postal Service to file the applicable Administrative Record in this appeal |
| November 23, 2012 | Deadline for the Postal Service to file any responsive pleading |
| December 13, 2012 | Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 CFR 3025.41) |
| December 27, 2012 | Deadline for answering brief in support of the Postal Service (see 39 CFR 3025.42) |
| January 7, 2013 | Deadline for reply briefs in response to answering briefs (see 39 CFR 3025.43) |
| March 13, 2013 | Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5)) |